

ORDINANCE No. 121841

COUNCIL BILL No. 115273

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

Introduced:	<u>MAY 31 2005</u>	By:	<u>DELLA</u>
Referred:	<u>MAY 31 2005</u>	To:	<u>Parks, Neighborhoods & Education</u>
Referred:		To:	
Referred:		To:	
Reported:	<u>6-20-05</u>	Second Reading:	
Third Reading:	<u>6-20-05</u>	Signed:	<u>6-20-05</u>
Presented to Mayor:	<u>6-20-05</u>	Approved:	<u>6/29/05</u>
Returned to City Clerk:	<u>6/30/05</u>	Published:	<u>Title 3pp- Dye</u>
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	

US5047

Ne

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommed that the same:

Motion: JG
2nd: PS
Y:3 N:0 DD
6-20-05 Passed 8-0 (Excused: Compton)

Law Department

Committee Chair

(Signature)

(Signature)

ORDINANCE

121841

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

WHEREAS, Ordinance 118291 authorized the Superintendent of Parks and Recreation to execute an Agreement to Develop and a Use and Maintenance Agreement with Seattle Pacific University ("University") for a soccer facility and related sportsfield improvements at Interbay; and

WHEREAS, under the terms and conditions of the Agreement to Develop, the University agreed, at its sole cost and expense, to develop and construct a soccer facility and make other improvements at Interbay and, upon completion, convey title to all these improvements ("Facilities") to the City of Seattle (City); and

WHEREAS, the University has completed construction of the Facilities at Interbay Athletic Field; and

WHEREAS, in satisfaction of the terms and conditions of the Agreements and amendments thereto, the University has executed and recorded a Quit Claim Deed to the City (attached hereto as Attachment 1) conveying any right, title, or interest the University may have had in the Facilities in exchange for the City's commitments expressed in the Use and Maintenance Agreement and the First Amendment thereto; and

WHEREAS, a Memorandum of Use and Maintenance Agreement, referencing the Use and Maintenance Agreement and the First Amendment thereto, is recorded with King County under recording number 20040421000748; and

WHEREAS, recording and City acceptance of the Quit Claim Deed provides notice and eliminates any claim of an ownership interest in the Facilities by Seattle Pacific University; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle accepts a Quit Claim Deed, King County recording number 20050228001674, from Seattle Pacific University conveying any right, title, or



1 interest in and to Facilities located in or on the following described real property in King
2 County, Washington, held for park and recreation purposes:

3 Lots 1 through 48, inclusive, Block 122, Gilman's Addition to the City of
4 Seattle, according to the Plat thereof recorded in Volume 5 of Plats, Page
5 93, in King County, Washington;

6 Together with Lots 1 through 24, inclusive, Block 121, Gilman's Addition
7 to the City of Seattle, according to the Plat thereof recorded in Volume 5
8 of Plats, Page 93, in King County, Washington;

9 Except therefrom that portion of said Block 121 deeded to Northern
10 Pacific Railway Company described as follows:

11 Beginning at a point of intersection of the Easterly boundary of the
12 Northern Pacific Railway Company's right-of-way with the North line of
13 said Lot 1; thence South along said boundary line a distance of 180 feet;
14 thence Northeasterly in a straight line to a point in said North line distant
15 35 feet East measured along said North line from the Point of Beginning;
16 thence Westerly along said North line to the Point of Beginning;

17 Together with those portions of vacated streets adjacent to said Blocks 121
18 and 122 which attached by operation of law.

19 And

20 Lots 7 through 18, inclusive, Block 20, Gilman's Addition to the City of
21 Seattle, according to the Plat thereof recorded in Volume 5 of Plats, Page
22 93, in King County, Washington;

23 Except therefrom the North 30 feet of Lots 7 and 18, in said Block;

24 Together with the vacated alley in said Block lying Southerly of the
25 Easterly production of the South line of the North 30 feet of said Lot 7;

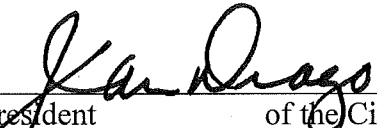
26 Also together with those portions of vacated streets adjacent which
27 attached by operation of law.

28 Section 2. Any act pursuant to the authorization and prior to the effective date of
this ordinance is hereby ratified and confirmed.




Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.


Passed by the City Council the 20th day of June, 2005, and signed by me in open session in authentication of its passage this 20th day of June, 2005.


President _____ of the City Council

Approved by me this 29th day of June, 2005.


Gregory J. Nickels, Mayor

Filed by me this 30th day of June, 2005.


City Clerk

(Seal)

Attachment 1: QUIT CLAIM DEED FROM SEATTLE PACIFIC UNIVERSITY TO
THE CITY OF SEATTLE, KING COUNTY RECORDING #20050228001674

AFTER RECORDING RETURN TO:

Mr. Rodney Eng
Seattle City Attorney's Office
600 4th Avenue, 10th Floor
Seattle, WA 98104-1877



20050228001674

WASHINGTON LEG QCD
PAGE001 OF 005
02/28/2005 13:10
KING COUNTY, WA

23.00

E2104396

02/28/2005 13:10
KING COUNTY, WA
TAX \$2.00
SALE \$0.00

PAGE001 OF 001

QUIT CLAIM DEED

Grantor:

SEATTLE PACIFIC UNIVERSITY, a Washington
nonprofit corporation

Grantee:

THE CITY OF SEATTLE, a Washington municipal
corporation

Legal Description:

Lots 1-48, Blk 122, Gilman's Add to City of Seattle,
Vol 5, Pg 93
Lots 1-24, Blk 121, Gilman's Add to City of Seattle,
Vol 5, Pg 93, King County, Washington.
Complete Legal Description is attached as Exhibits A
and B.

Assessor's Tax Parcel Nos.:

2771108090; 2770602735

QUIT CLAIM DEED

Seattle Pacific University, a Washington nonprofit corporation, as Grantor, for no consideration but as a transfer per the terms of an Agreement to Develop Interbay Soccer Facility and Ballfield Improvements dated February 19, 1997 ("Development Agreement"), as amended by the First Amendment thereto dated May 14, 2003, between The City of Seattle acting by and through the Seattle Department of Parks and Recreation and Seattle Pacific University, hereby conveys and quit claims to The City of Seattle, all of Grantor's right, title and interest in and to Facilities as defined in that amended Development Agreement (except only the rights, title and interests of Seattle Pacific University as stated in the Use and Maintenance Agreement for Interbay Soccer Facility and Softball Field dated February 19, 1997 as amended by the First Amendment thereto dated May 14, 2003) located in/on the real property in King County, Washington legally described in Exhibits A and B attached hereto.

Dated this 26 day of March, 2004

SEATTLE PACIFIC UNIVERSITY, a
Washington nonprofit corporation

Donald W. Mortenson

Printed Name: Donald W. Mortenson

Title: Vice President for Business & Planning

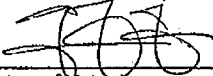
STATE OF WASHINGTON

ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that Donald W. Mortenson is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it as the Vice President for Business & Planning [title] of SEATTLE PACIFIC UNIVERSITY to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 26 day of March, 2004.



(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of

Washington, residing at King County

My appointment expires October 13, 2006

Stamp of Notary:

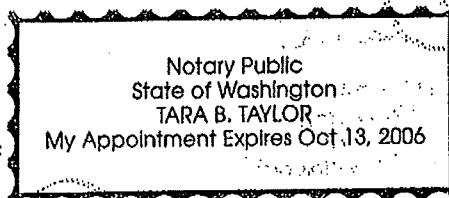


EXHIBIT A

TO AGREEMENT TO DEVELOP
INTERBAY SOCCER FACILITY AND
BALLFIELD IMPROVEMENTS

Legal Description of City-Owned Portion
of the Interbay Property

LOTS 1 THROUGH 48, INCLUSIVE, BLOCK 122, GILMAN'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON;

TOGETHER WITH LOTS 1 THROUGH 24, INCLUSIVE, BLOCK 121, GILMAN'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON;

EXCEPT THEREFROM THAT PORTION OF SAID BLOCK 121 DEEDED TO NORTHERN PACIFIC RAILWAY COMPANY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE EASTERLY BOUNDARY OF THE NORTHERN PACIFIC RAILWAY COMPANY'S RIGHT-OF-WAY WITH THE NORTH LINE OF SAID LOT 1; THENCE SOUTH ALONG SAID BOUNDARY LINE A DISTANCE OF 180 FEET; THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT IN SAID NORTH LINE DISTANT 35 FEET EAST MEASURED ALONG SAID NORTH LINE FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

TOGETHER WITH THOSE PORTIONS OF VACATED STREETS ADJACENT TO SAID BLOCKS 121 AND 122 WHICH ATTACHED BY OPERATION OF LAW.

EXHIBIT "A"

50403454.01

-4-

Attachment 1 to DPR Interbay SeaPac Univ ORD



EXHIBIT B

TO AGREEMENT TO DEVELOP
INTERBAY SOCCER FACILITY AND
BALLFIELD IMPROVEMENTS

Legal Description of District-Owned
Portion of the Interbay Property

LOTS 7 THROUGH 18, INCLUSIVE, BLOCK 20, GILMAN'S ADDITION TO THE
CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN
VOLUME 5 OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON;

EXCEPT THEREFROM THE NORTH 30 FEET OF LOTS 7 AND 18, IN SAID
BLOCK;

TOGETHER WITH THE VACATED ALLEY IN SAID BLOCK LYING SOUTHERLY
OF THE EASTERLY PRODUCTION OF THE SOUTH LINE OF THE NORTH 30
FEET OF SAID LOT 7;

ALSO TOGETHER WITH THOSE PORTIONS OF VACATED STREETS ADJACENT
WHICH ATTACHED BY OPERATION OF LAW.

EXHIBIT "B"

50403454.01



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:

Contact Person/Phone:

DOF Analyst/Phone:

Parks and Recreation

Terry Dunning/684-4860
MaryLou Whiteford/684-7388

Tyler Running Deer/684-8075

Legislation Title:

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

Summary and background of the Legislation:

Ordinance 118291 (September 1996) authorized the Superintendent of Parks and Recreation to execute an Agreement to Develop and a Use and Maintenance Agreement with Seattle Pacific University ("University") for a soccer facility and related sports field improvements at Interbay. Under the terms and conditions of the Agreement to Develop, the University agreed, at its sole cost and expense, to develop and construct a soccer facility and make other improvements at Interbay and, upon completion, convey title to all these improvements to the City. The Parks Department agreed to maintain the soccer facility and make it available on a part-time basis to the University for its scheduled use.

Seattle Pacific University has completed construction of the improvements at Interbay Athletic Field. This proposed legislation accepts a Quit Claim Deed as an instrument conveying title.

X This legislation does not have any financial implications.

NOTE: The improvements made by Seattle Pacific University totaled approximately \$3.1 million, and are now completed and operating under Parks, in accordance with the terms and conditions of a Maintenance and Use Agreement, also authorized by Ordinance 118291. Maintenance and operation costs of the new soccer facility and related improvements at Interbay Athletic Field were addressed in the prior legislation authorizing the Agreement to Develop and the Use and Maintenance Agreement. These O&M costs are currently approximately \$124,481 per year, and are already part of the Department's 2005 Adopted and 2006 Endorsed budgets.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 10, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill, accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle for improvements at Interbay Athletic Field. This action will fulfill the terms of an agreement between the parties whereby Seattle Pacific University was to fund construction of a stadium and other improvements at Interbay, and then turn property over to the City for community use.

In 1996, Ordinance 118291 authorized the Superintendent of Parks and Recreation (Parks) to sign an Agreement to Develop, allowing the University to construct a new 900-seat soccer stadium and make other field improvements at Interbay Athletic Field. The University completed those improvements, which are worth approximately \$3.1 million, and Parks has assumed operations of the property, in accordance with the terms and conditions of a Maintenance and Use Agreement that was also authorized by Ordinance 118291. Upon passage of this Bill, the Quit Claim Deed executed and recorded by Seattle Pacific University in February 2005, will be formally accepted. This action completes both parties' obligations under the Agreement to Develop.

The improvements at Interbay Athletic Field have provided more spectator seating and updated athletic facilities that will benefit local soccer programs and the entire community for many years to come. Thank you for your consideration of this legislation. Should you have questions, please contact Terry Dunning at 684-4860 or MaryLou Whiteford at 684-7388.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

187488
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

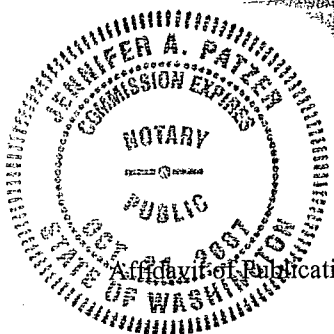
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121837-121843

was published on

07/05/05

The amount of the fee charged for the foregoing publication is the sum of \$ 106.00, which amount has been paid in full.



Affidavit of Publication

Mad

Subscribed and sworn to before me on

07/05/05

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 20, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 121843

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 121842

AN ORDINANCE relating to the Department of Parks and Recreation, concerning West Seattle Golf and Recreation Area, accepting a Quit Claim Deed from Charlotte Monson Barmore Revocable Living Trust, in accordance with King County Superior Court Agreed Judgment No. 03-2-35533-0 SEA, to quiet title to land held for park and recreation purposes.

ORDINANCE NO. 121841

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

ORDINANCE NO. 121840

AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company.

ORDINANCE NO. 121839

AN ORDINANCE relating to the Ship Canal Trail; accepting deeds and easements; transferring jurisdiction of certain real property near the Ballard Bridge from the Fleets and Facilities Department to Seattle Department of Transportation; authorizing the execution and delivery of deeds of right to the State of Washington; authorizing the acquisition of property and acceptance of deeds; and authorizing the execution and delivery of a crossing easement agreement.

ORDINANCE NO. 121838

AN ORDINANCE relating to community development in the Central Area; transferring jurisdiction of land at 20th Ave. South and South Jackson, known as parcel 47 of the Yesler/Atlantic Neighborhood Improvement Project, from the Office of Housing to the Department of Fleets and Facilities; making a related cash transfer from the Emergency Subfund to the Community Development Block Grant Main Fund; amending the 2005 Table of Proposed Projects to the 2005-2008 Consolidated Plan for Housing and Community Development to allocate increased funding resulting from such transfer; increasing appropriations to the Office of Economic Development in the 2005 Budget; and ratifying and confirming prior acts, all by three-quarters vote of the City Council.

ORDINANCE NO. 121837

AN ORDINANCE relating to the Chinatown/International District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 117174, as previously amended by Ordinance 120614, in accordance therewith.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, July 5, 2005.

7/5(187488)